

THE
DUTIES OF

Constables, *W. W.*
Borsholders, Tythingmen, and
such other lowe and Lay Mini-
sters of the Peace.

Whereunto be adioyned, the seuerall
offices of Church-Ministers and Churchwar-
dens, and Ouerseers for the poore, Surueigh-
*ours of the high wayes, and distributors of the pro-
uision against noysome Fowle and Vermine.*

First collected by WILLIAM LAMBARDE
of Lincolnes Inne Gent: and now enlarged
by him in the yeare 1600. According to the last
Statutes of the 39. yeare of the raigne of
our most gracious Soueraigne
Queene ELIZABETH.



LONDON

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Cum Privilegio Regia Maiestatis.

35.c.41(2)

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¶ The dueties of Constables,
 Borsholders, Tythingmen, and
such other low Ministers of
 the Peace.



Understanding by
 sundrie friends of
 mine, that many
 well disposed men
 do earnestly wish,
 that some one short
 and plain collecti-
 on might be made

The Pro-
 face.

of the dueties of High Constables, petie
 Constables, Borsholders, Tythingmen,
 Headborows, and suchlike inferiour Mi-
 nisters of the Queenes Maiesties peace:
 to the ende that when any of them should
 be called to any of the said offices (or the
 like) they might the better behaue them-
 selues in doing the same: I haue thought
 it a thing worthe the labour, to send a-
 broad among them this little Treatise,
 which I haue drawn to satisfie in some
 part their honest desire: hartily praying
 vnto God, that as their knowledge may
 be increased in the reading hereof, so also
 their diligence may bee amended in the
 prattise of the same, to the setting forth of
 the glozy of God, and to the aduancement

4 The dueties of Constables,
of the Queenes Maiesties service in this
behalfe.

The dutie
on of this
office.

2 And because I purpose (by the helpe
of God) to make this worke so shopt, and
so plaine withall, as the matter thereof it
selfe will suffer me, and as the vnderstan-
ding of vnlearned men doth require: I wil
first speake somewhat, both of the sundrie
names & beginnings of these officers, and
then afterward I will go in hand with
the parts of their seuerall duties.

The
names of
these Offi-
cers.

3 The sundry names of Constables, or
High Constables, that be of Laths, Rapes,
Wapentakes, Hundreds, and Franchises:
and the diuerse names also of Constables,
petie Constables, Tythingmen, Borshol-
ders, Borocheads, Headboroecs, Chiefe
pledges, & such other (if there be any) that
beare office in townes, parishes, hamlets,
tythings, or borowes (for of Constables of
Castles, otherwise called castellanes, and
such others I meane not to entreat) are all
(in effect) but two, that is to say, Consta-
bles & Borsholders: for these two words
do contain as much as all the rest of those
names, & to those two all the rest of them
may be reduced: and therfore, in speaking
seuerally of those two, I will passe along
and touch all the rest also.

Constables
name.

4 The name Constable, is made (as I
haue

haue read) of two English words put together, namely, Cuning, (or Cyng) & Staple, which do signifie, the stay (or hold) of the king. For by the auncient custome of this Realm, there is a great officer, called the Constable of England, who by means of the high aucthoritie that he had, was a principall stay vnto the Kings gouernement: and this man had iurisdiction & aucthority in deeds of Armes, and matters of warre, both within & without the Realm. Out of which office, this lower Cōstableship was at the first drawen & fetched, & is (as it were) a very finger of that hand. For the statute of *Winchester*, which was made in the time of K. Edward the first, & by which these lower Constables of hundreds and Franchises were first ordained, doth (amongst other things) appoint, that for the better keeping of the Peace, two Constables in euery Hundred and Franchise, should make the view of Armour.

So then, the name of Constable in a hundred or Franchise doth meane, that he is an officer, that supporteth the Queenes Maiestie in the maintenance of her peace, within the precinct of his hūdred or franchise: & he is many times called the high Constable, in cōparison of the Cōstables, or pety Constables, that be in the townes,

31.R.2.
cap.12.

13.E.1.

his begin-
ning.

6 The duties of Constables,

of parishes within his hundred or franchise: whose part it likewise is, to maintain the peace within the severall limits of their owne townes, or parishes.

Bo:sholders name. 5 As touching Borsholder (which is the other generall name, and doth contain within it the meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes, & chiefe Pledges) that also is made up of these two English words, Borhes, and Ealder, of the which, Borhes betokeneth pledges, and Ealder signifieth the Chiefe, the Head, or the Ealder: & Borsh-sealer in one word, both meane the chiefe (or head) of the suerties, or pledges.

His two offices. 6 But now, that you may the better understand what is meant by this, you must further know, that euery of these Borsholders, Tythingmē, Borowheads, Hedborowes, Thirdborowes, and chiefe pledges, hath two severall offices at this day: the one being his auncient and first office, and the other his latter made office.

His first office. 7 His first office began thus: by the auncient Lawes of this realm (before y^e coming in of king William the Conquerour) it was ordeined for y^e more sure keeping of the Peace, & for the better repressing of theeves & robbers, that al free boyn men should cast themselves into severall compa- Archaio-
nomia.

companies by ten in each company : and that euerie of those tenne men of the companie should be suretie and pledge for the forth-comming of his fellowes : so that if any harme were done by any of these ten against the peace, then the rest of the ten should be amerced, if he of their company that did the harme should fle, and were not forth-comming to aunswere to that wherewith he should be charged.

And for this cause these companies be yet in some places of England (and namly with vs in Kent) called Boroos, of the said word Borhes, pledges, or sureties: albeit in the westerne parts of the Realme they be commonly named Tythinges, because they containe (as I told you) the number of ten men with their families. And euen as ten times ten doth make an hundred : so, because it was then also appointed that tenne of these companies shoulde at certaine times meete together for their matters of greater waight, therfore that generall assembly (or court) was (and yet is) called a Hundred.

Furthermoze it was then also ordained, that if any man were of so euill credite, y^e he could not get himselfe to be receiued into one of these Tythings or Boroos, then he should be shut vp in prison, as a man vn-

8 The duties of Constables.

worthie to liue at libertie, amongst men abroad.

Tithings-
man.
Headbo-
row, &c.

8 Now whereas euerie of these Tithings (or Boroës) did vse to make choise of one man amongst theselues, to speake, & to do, in the name of them all: he was therefore in some places called the Tythingman, in other places the Boroës Elder (whom we now call Borsholder) in other places the Borohead or Hedborow, & in some other places the chiefe pledge, which last name doth plainely expound the other three that are next before it; for head or Elder of the Boroës, & chiefe of the pledges, be all one, And in some shires, where euerie Thirdborowe hath a Constable, there the officers of the other two be called Thirdborowes.

Old or-
ders in
Tithings.

9 Moreover, in these Tythings (or Boroës) sundry good orders were obserued, & amongst others, first that euerie man of the age of xii. yeares should bee swozne to the King: that then no man should be suffered to dwell in any towne or place, vntill he were also receiued into some such suretiship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Again, that no man might remoue out of one Tything (or Boroë) to dwell

Itin. Kanc.

Vide 45.

Ed. 3. 27.

Et Kitch.

Fol. 129.

dwel in another, without lawfull warrant in that behalfe. Lastly, that euerie of these pledges should yearely bee presented and brought forth by their chiefe pledge at a generall assemble for that purpose, which we yet in remembrance therof do call, the view of Frankpledge, or the Leet court.

10 Hitherto I haue opened the ancient office of the *Borsholder, Tythingman*, & the rest, whereof also there is yet to this day some shew or remnant in our *Leetes* (or *Law dayes*) but if the very substance thereof were thoroughly performed (as I know no let, but that by law it may) then should the peace of the lande bee much better maintained then now it is.

As touching the latter office that these Borsholders, Tythingmen, Headborows, this latter office. Boroheads, Thirdboroes, & chief pledges haue, it is in maner all one with the office of a Constable of a town, or parish, which is commonly named a petie Constable, or vnder Constable, because he is a smal Constable, in respect of the Constable of his hundred, within whose limit he is.

If for as about the beginning of the reign of king Ed. 3. petie Constables were deuised in towns & parishes for the aid of the Constables of the Hundred: so of later times also, Borsholders, Tythingmen, Head-

Headborowes, and such like haue bin vsed as petie Constables within their owne Borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their olde office. For in some of the Westerne partes of England, you shall see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the Queene, and the rest doe serue but as the auncient Tythingmen did. Now therefore hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall duties.

**Division
of their
office.**

II For as much as a great and chiefe part of the dutie both of these high Constables, of Lathes, Rapes, Mapentakes, Hundreds, and Franchises: and also of these Constables, Petie Constables, Tythingmen, Borsholders, Borowheades, Headborowes, Thirdborowes, chiefe pledges, and such like ministers, by whatsoever other names they bee called in any townes, parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Queenes Maiesties peace, wherein (as also in some other points) the power of the all is alike, and but one, within their seuerall

call limits and places of auctorizy: there-
foze I thinke it good to shew first, what
their common and equall duety is in mat-
ters concerning the peace, either by their
owne auctoritie, or vnder the auctoritie
of others: then afterward to declare, what
their common and like duettie is in some
other things not concerning the Peace:
lastly, to open those things wherein they
haue a distinct and severall duettie, one
from another of them.

12 The Conseruation (or maintenance)
of the peace, standeth in three things, that
is to say: first, in foreseeing that nothing
be done, that tenderth either directly, or by
meanes, to the breach of the peace: second-
ly, in quieting or pacifying those that are
occupied in the breach of the peace: and
thirdly, in punishing such as haue already
broken the peace.

Their of-
fice concer-
ning the
Peace.

And here, least any man should be decei-
ued in not vnderstanding what is meant
by these words, The breach of the Peace,
he must first of all know, that by the breach
of the peace, is vnderstoode, not onely that
fighting, which wee commonly call the
breach of the peace, but also that euery
murder, rape, m^aslaughter, & felony what-
soeuer, and euery affraying (or putting in
feare) of the Queenes people, whether it
be

What is
the breach
of the peace

12 The duties of Constables,

he by vnlawfull wearing of Armour, or by assembling of people to do any vnlawfull act, are taken to be disturbances or breaches of the Peace.

To prevent things as
getteth the
Peace.

13 But now, for the better preventing that nothing be done against the Peace, any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, & sleepe in the day: or which do haunte any house, where is suspicion of baudie: and they may carry them befoze a Iustice of the Peace, to finde suerties of their good behauior. And if any such Officer be not of sufficient strength to doe that alone, then may he take meete aide of his neighbors therto: & they, in such cases, be compellable to helpe and assist him.

13.H.7.
10.Cur.

Fitz.in Iust.
del P.171.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said statute of *Winchester* did ordaine, that night watches should be kept yerely from the feast of the Ascension vntill Michaelmas, by sixe men at euery gate of euery Citie, by twelue men in euery Borough towne, and in euery other towne by sixe men, or fower men, or according to the number of inhabitants in the town, all the night long, from Sunne setting to Sun rising: so that if any stranger did passe, he should

13.E.1.

should be arrested till the morning, and then set at large (if no suspicion were found of him) but if any suspicion fell out against him, then he should be imprisoned, till he might be lawfully deliuered. And of these Watches, the officers befoze named haue the charge within the limits (or places) of their auctorities, as the Constable in his towne, the Borholder in his Borow, & the high Constable within all his Hundred: and these Officers ought to see these Watches duly set and kept, and ought also to cause Hue and Crie to be rayled after such as will not obey the arrest of such watchmen.

Againe, if any person whatsoever (except the Queenes seruants and ministers in her presence, or in executing her precepts, or other offices, or such as shal assist them: and except it be vpon Hue and Crie made to keep the peace, and that in places where acts against the Peace do happen) shall be so bold, as to go, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Constable, or any other of the said Officers, may take such Armour from him, for the Queenes vse, & may also commit him to the Gaole. And therefore, it shall be good in this behalfe, for these Officers to stay and arrest all

Stat. Northamp.
2.E.3.ca.3.

14 The dueties of Constables,

all such persons as they shall find to carry Dags or Pistols, or to be apparelled with purple coates, or doublets: as by the proclamation (made in the xxi. yeare of the

31. Eli. Reg. raigne of our soueraigne Ladie that now is) they are specially commanded.

37. R. 2. ca. 8 Furthermore, if any great assemblie, or rumor of people be made in maner of Insurrection, then the Shirifes, Constables, & these said other Ministers, hauing knowledge therof, ought to go with the strength of the Councie, and to set themselves against it, and ought also to take and imprison such offenders.

Barre 201.
in Firzh.
22. E. 4. 35.
Brian.

Lastly, if any man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde suerties of the Peace: then may such an Officer arrest him to finde such suertie before a Iustice of the Peace, and may also carry him to prison, if he refuse to finde it: But if he yeeld to go, it shall be good to take the party threatned, to the Iustice with him.

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, and withall to the pacifying and punishing of the same.

To pacifie
and punish
the breach
of the peace

If therefore a Constable, or any other
of

of the said officers, shall see any men going about to breake the peace, as by vling boate words, by which an Affray is like to growe: then ought such Officers to commaund those persons to auoide vpon paine of imprisonment: and if they will not depart, but shall draw weapon, or giue any blowe, then ought he to doe his best to depart them, and to keepe them in sunder: & he may (for that purpose) both vse his own weapon, and may also call others to assist him. In which doing, if any such Officer, or other person comming on his part, doe take hurt, hee shall haue good remedie by action against him that did the hurt: but if any of them that made the Affray, bee hurt by such officer, or by any of his company, then such a hurt person hath no remedie at all for it.

3 H. 7. 10.
21 H. 7. 21.

13. Ed. 4. 9

And if he that maketh an Affray, do flee into a house, when such an officer cometh to arrest him: then may that officer breake open the doze to take him: and if he that made the Affray, doe flee from thence also, yet may the officer followe him, and in fresh suit take him, though it bee in another Shire or Countie.

So, if two men be fighting together in a house (the dozes being shut) yet may such an Officer breake open the dozes to cause the

the peace to be kept, though none of the parties haue taken hurt. And in both these cases such an officer may carrie them before a Iustice of the peace to find Suretie for the peace, because they haue broken the peace already, and are meete to be bound that they shall not breake it againe.

But if any of the parties to an Affray, Fitz. 72.
38. Ed. 3.
6. & 22.
lib. ass. 36. haue receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carrie him to the Gaole, there to remaine till he find suretie to appeare at the next Gaole deliuerie: otherwise, he may with lesse laboz carrie him to a Iustice of the peace, or to a Coroner, who ought to take order for such suretie, because the fact may fall out to bee Felonie, if so be that he which was hurt do happen to die within one yeare and a day next following such hurt vnto him.

And as these Officers ought to arrest J. H. 7. 6. those that doe make assault vpon any priuate persons, so also may they arrest any such as shall make assault (or Affray) vpon themselves whilest they be in doing their offices: & may for that purpose both lawfully defend themselves, & also take the offenders, & commit them to the Goale, or carrie them to a Iustice of the Peace, for the finding of such suretie as is aforesaid.

But

Barr. 101.
in Fitzh.

But if one doe assault a man, in, or nigh the highway, to robbe him, and bee taken by the tene man, or by any other, and bee brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his warde, but also to carrie him befoze a Iustice of peace to cause him to giue suertie for his Good abearing.

5. Ed. 3. c. 14
17. E. 4. 5.

So, if any man doe suspect an other of Murder, or Felony, and doe declare the same to any such Officer of the place, then such officer may arrest the suspected person, and he shall doe well to carrie him to a Iustice of the Peace together with him that doth suspect him, to that end that they both may bee examined as appertaineth. And any of these said officers may search within the limite of his authoritie, for any persons suspected of Felonie: for it is a chief part of their office to reppesse felons.

1. H. 7. 4. 5.

And therefore any of these Officers may (of his owne authoritie) arrest one that is embited of Felonie: So, if the common voice and fame be, that A. B. hath done a felonie, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And if any person shal lye vpon felony, it is the office of the Constable of the town,

or of any of these other officers there, to seise his goods, and to keepe them safely: 3.Ed.3.
for hee is to answer for the losse of em- Itin. Nor-
pairing of them, and therefore it is meete thumb.
that he doe it by Inuentorie taken in the
presence and by the testimonie of the ho-
nest neighbours.

And I like well of their opinion, which
do hold, that if information be giuen to a- 1.H.7.7.
ny such officer, that a man and a woman
bee in adulterie, or fornication together,
then the officer may take companie with
him, and that if he finde them so, hee may
carrie them to prison.

But this is to bee marked, that in the
cases before, and such like, where such an
Officer hath arrested, or hath in his ward
any offendour that ought to be carried to 3.H.4.9.
the Gaole, there such an Officer is not 22.E.4.35.
bound forthwith to carrie him, but may
well for a reasonable time keepe him in
the Stockes, vntill that conuenient proui- 4.E.3.c.10.
sion of strength may bee made to conuey
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bring such offendour to the Gaole, then
ought the Gaoler to receiue the same free-
ly, without taking any thing of the Of-
ficer for it.

Seruing
of precepts

15 Hitherto (as you see) I haue spoken
of the Constable, and of these other Offi-
cers,

cers, so farre onely as they haue authoritie by their owne Officers, without any commaundement from others. But for as much as a great parte of their dutie (concerning the Peace) resteth in the making of due execution of the precepts of higher Officers, and especially of the Iustices of the peace, who be (as it were) immediately set ouer them: Let vs also see after what manner these Constables, and other the saide inferior ministers of the peace, ought to behaue themselves in that behalfe.

Albeit then, that the said Officers bee subiect to the commaundementes of the Iustices of Gaole deliuerie; and of Oyer and Terminer, and of some Higher Iustices, yea, and to the Precepts of Coroners also, and of other Officers, in some certaine cases, yet because most commonly they are called vpon by the Iustices of Peace, they ought especially to theme themselves obedient to their Precepts, who as it may appeare by some old Precedents) haue authoritie to remoue insufficient Constables and Borsholders, and to substitute able persons in their place. Neither ought these Officers to dispute whether their commaundementes bee grounded vpon sufficient authoritie, or no: as

14. H. 8.

cap. 18.

21. H. 7. 22.

Precepts.

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14.H.8.

cap.18.

21.H.7.22.

knowing that although a Iustice of the Peace (which is a Iudge of Recorde) should direct a Warrant beyond his authoritie to a Constable, or one other of the said officers, yet shall such Officer bee holden excused for executing the same, howsoever that Iustice of peace himselfe be blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to be directed to any of these said Officers, then ought he with all speede and secrecie to find out the partie: and then also may hee lay his hands vpon him, and shew him the matter, and require him in the Queenes name to goe with him, to put in suretie according to the Warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conueigh him to prison, without carrying him to any Iustice: in which doing, if the partie shall offer any resistance, or shall seek to escape, then also may such Officer iustifie the beating or hurting of him.

But if the partie shall peeble to go and giue Suretie; and yet will not go to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it bee not

not farre out of the Limit, for else so great trauaile might follow vppon the Officer, as rather hee then the offendour might seeme to be punished.

And here the Officer must take regard, and consider whether the Warrant doe comedirectly from the meere authoritie of the Iustices of Peace, or else be grounded vpon a Writ of *Supplicavit* sent down from higher authoritie (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant be grounded vpon such a Writ, then may such Officer compell the partie to go to the very same Iustice or Iustices of Peace that made out the Warrant, and otherwise he may carrie him to prison, as is saide before.

Neither is it requisite, that such an Officer should daunce after the partie (as many vse to doe) vntill hee can finde out suerties: but he may lawfully keepe him, vntill that he can get suerties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it happeneth many times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe

with sureties for that cause vnto some other Iustice of Peace, or findeth such suretie in some of the Courts at Westminster, and so hath a *Superseas* ready to shew such Officer, as cometh to him with a Warrant, as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall bee good, that such Officer doe keepe the *Superseas* for his better discharge, and shew it to the Iustice from whom he receiued the commandement of seruice, least other wise he be called to account for not seruing the Warrant that was sent vnto him.

If a Warrant bee directed to a Constable, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer iustifie the killing of such a partie, if it so be, that he cannot otherwise take him: or if so be, that he resist, or flee, when he is taken.

22. Lib.
All. 55.
Coron. 261
288. 328.
in Fitzh.

Finally, the Constable, or such other of the said Officers, hauing arrested any to be conveyed to the Goale, must take good heed, that hee doe not willingly, or negligently, suffer such partie to escape from him: For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of what sort

whatsoever other kinde the offence bee,
if the Officer doe, by his will, or negli-
gence, suffer the partie to escape from
him, he shall be fined for it, according to
the quantitie of his fault, by the discreti-
on of those that shall be Iudges of it. And
least any such Officer should flatter him-
selfe, in thinking that hee may passe
through with some easie Fine, I let him
know, that the Iudges of his fault may
set his fine, equal with the value of all his
goods, if in their discretions his faults doe
so require.

11. H. 4. 24.
Stamf. 35.

16 Thus haue I performed the first
part of my promise, and haue shewed
what is the equall and like duetic of eue-
rie of the saide *Officers* in matters con-
cerning the Peace, both by their owne
auctoritie, and also in doing the com-
maundements of the *Iustices* of Peace:
Now therefore I must goe forward to
the seconde part of my purpose, and am
to declare theyr like duetic in other
pointes of service, that doe not con-
cerne the Peace, For equall power is
indifferently given to any of those *Offi-
cers* by some *Statutes* of the Realme,
whereof those that follow be the chiefe
and principall.

The equa-
l duetic of
these *Offi-
cers*, in
matters
besides the
Peace.

24 The duties of Constables;

Attend dant
or the exe-
cution of
statutes.

17 All Constables, and other the saide Officers, ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euerie the Actes (made in, or before the Parliamēt, holden in the 33. yere of the raigne of King Henrie the eight) concerning Reteinors, giuing of Liueries, Maintenance, Embra- cerie, Bowstaues, Archerie, Vnlawfull games, Forestallers, Regrators, Vitall, Vittailers, and Inholders, or any of them, vpon paine that the saide Constables, and other the saide Officers shall make such Fines, as by two of the saide Iustices of Peace shalbe assessed.

33.H.8.
cap.10.
& 37.H.8.
ca.7.

Phisitions

18 All Constables, and other the saide Officers within London, or within seuen miles thereof, bught (vpon request made) to aide and assist the President of the Colledge of the Phisitions in London, & other persons authorized for the due execution of the Statutes made concerning Phisitions, Apothecaries, and Surgeons.

14.H.8.
cap.4.5.
32.H.8.c.2.
1.Ma.par.
1.cap.1.

Surgeons

19 If any person shall (without lawfull bargaine) purche or take any thing of any of the Queenes liege people, to the vse of anye (other then the Queene and her house) and thereof notice be giuen to the Constable, or such other Officer of the place, then such Officer ought

23.H.8.
cap.14.

ought (vnder the pain of twenty pounds) to arrest such taker, and to carrie him to the next prison.

28.H.6. stat
ca. 2.

No Purueiour of the Queene ought to take any horse, or cart, but by the deliuey of the Maior, Bailife, Constable, or such other Officer of the place whence that taking shall be.

25.E.3.ca.1
36.Ed.3.
stat 2. c.3.

Cozne ought to bee taken for the Queenes house, by striked measure of eight bushels to the quarter, according as is vsed throughout the lande: and the takers of all thinges to bee taken for the Queenes house, shall make their puruei-
ance by the very value therof, by the view of the Constable, or other such Officers, and by appeasement vnder oath of foure other good men of the towne, where the taking shall be: and such taking shall bee made without drining the praisours by compulsion, menacing, or other villanie, to set any other price then their oath will, and as commonly runneth in the next Markets.

1. & 3.P. &
Ma. ca. 9.

Takers, Undertakers, their Deputies, or seruants, shall not take any Beefes, Meathers, Lambes, Calues, or any kind of Saltfish, or any kind of graine, or any Butter in any vessels, or Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens, but

but by Commission and a Blanke thereto for that shire annexed : in which Blanke, the said seuerall things so to be taken, and the prices of them shall be witten, and to which Blanke the high Constable, Petie Constable, or Headborough of the place where any such taking shall bee, ought to subscribe his name or signe manuel. And such taker ought then also to make a brief or Docket in writing subscribed with his name, contayning euery of the saide things so taken in euery place : and ought then also (vnder the paine of an hundred markes) to deliuer the same to the saide High Constable, Petie Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that countie.

20 In the takings for the Queenes house, Tailles (or Indentures) ought to be made and sealed, betweene the taker and the owner (in the presence of the Constable, or such other Officer, and the praisers of the place) by which Tailles (or indentures) satisfaction ought to be made to the owner for his things so taken. 10.E.3.c.1.

21 If any Taker will make puruey-
ance of any thing (not exceeding the va-
lue of foure shillings) and make nor rea-
die 20.H.6.c.2.

the payment in hand therefore, it is lawful for the owner to retaine the thing so taken and to resist such purueyance: and the Constable, Tythingman, or Chiefe pledge of the place (being thereto required by the owner) ought to aide and assist such owner in making such resistance, under paine to yeeld vnto him the value of the thing taken, and his double damages.

18.H.6.
cap. 19.

22. All Constables, and other the Officers Souldiers abouesaid, of y^e parish or place, where any of the Queenes Souldiers beyond the seas, being mustered of record, shall happen to arrive, may arrest & stay such soldiers, til it be inquired, whether they be lawfully departed from their Captaines, or no.

21.H.S.c.2
22.H.8.c.14
22.H.8.c.3.

23. All Constables, and other the said Officers, must be attendant vpon Coroners, for the abiuring and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done.

All these things heretofore rehearsed, whether they concerne the preservation of the Peace, or any other matter besides the Peace, may and ought to be done & executed indifferently (as I thinke) by any of the said Officers within the precinct of his authoritie: that is to say, as well by Coroners.

28. The duties of Constables.

by the *high Constable* of the whole *Hundred* or *Franchise*, within his *Hundred* or *Franchise*, as by the *Constable*, *Petite Constable*, *Tythingman*, *Borsholder*, *Boroshed*, *Headboroe*, *Thirdboroe*, or *chiefe pledge*, within his *Towne*, *Parish*, *Tything*, *Boroe*, or *Hamlet*: and that so, as none of them hath more power of office therein then the other, although some of them haue larger limite of place then the rest.

High Constable of a hundred.

But now I am come to such things, as do seuerally belong to some of these *Officers*, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I will take that in hand also: and because the *Constable* of the *Hundred* or *Franchise*, is the greatest of these *Officers*, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him; who, as hee is not by and by set alone, but is for some matters no further authorized then some other of the said *Officers*, so I will first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners.

24. The money appointed to bee leuied by the Churchwardens of euery *Parish* each Sunday, for the relief of prisoners in the

14. EL. ca. 5.

the Soale, ought (vnder the paine of t. li.) to bee paid by them once euery quarter of a yeare, to the high Constables, or head Officers of euery Hundred, Riding, wapentake, town, or parish: and the said high Constables, or head Officers ought (vnder the paine of five pounde) to pay ouer the same money so to them paide, at the next quarter Sessions of the Peace, to the person appointed by the Iustices of Peace to receiue the same.

It seemeth to mee, that in this case next above, the wordes high Constables, high Tythingmen, and Head Officers, doe exclude Petite Constables, Borsholders, and such like to meddle therein: because none are called *High*, or *Head*, but in comparison of *Low*e and *Base*. Nowe therefore I will speake of matters concerning the high Constable of the Hundred alone.

High Constable alone

5. El. ca. 4.

25 High Constable of Hundreds in all such Shires, where Petie Sessions for seruants and labozers (otherwise called statute Sessions) were vsed to be kept, before the first day of the Parliament holden in the fift yeare of the raigne of our gracious Queene Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of labozers

Petrie Sessions.

regis

ters and servants made in the same Parliamene.

Watches
and high-
ways.

26. The Constables of Hundreds, and of franchises, ought to make presentment to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaults of Watches, and of the defaults of the Queenes highways, not enlarged so, as no pitches, vnderwood, or bushes be within two hundred foote on enerie side of the same: And also of such as lodge strangers in vplandish townes, for whom they will not answer, 13.E.1.Sta. Winton.

Clothiers.

no D. d. d. d.
no d. d. d. d.

27. Clothmakers ought to pay the wages of their Carders, and other workfolkes, in lawfull money, and not in pings, girdles, or such other thinges: and to deliuer their wools by faithfull deliuerie, and due weight, vnto them to be wrought: vpon paine of forfeiting the treble of their wages not so paid, and six pence for every deliury of such excessive weight. And the said Workfolkes ought to doe their occupations truly, vpon paine of double damages to the partie grieved. And euerie Constable of the Hundred may heare & determine the complaints aforesaid, by examination of the parties, and may commit to the Gaole such as refuse to pay the said Workfolkes, 4.E.4.cap.3

2. & 3. P. &
Ma. ca. 8. &
5. El. ca. 13.

28 Estreates indented ought to be made by the Clarkes of the Peace, and by Stewards of Leetes, of all forfeitures rising in the Sessions of the peace, or in Leetes, upon the statutes of highwaies, of which Estreates, one part ought to be deliuered yearly within six weekes after Michaelmas, to the bailif or high Constable of the Hundred, Lath, or Twapentake, wherein the default was committed, and the other part to the Constable & Churchwardens of y^e parish in which y^e default was made, to the intent, that such Bailife, or chiefe Constable, may thereby leuy by distresse y^e same forfeitures, or y^e double value thereof (if no distresse can be found, or if such forfeitures be not paid within xx. daies after a lawfull demaund of the same by the said officer) and to the intent also that the said Constable & Churchwardens of the parish may thereby call the said Bailife, or High Constable to account before two Iustices of the Peace (the one being of the Quorum) betweene the first day of March and the last of April yerely for the said forfeitures, which ought by y^e said Churchwardens to be bestowed on the Highwaies in their parish. And upon such account, euery such Bailife, or High Constable shall haue for his paines viii. s. of euery pound leuied

32 The duties of Constables,

leuied and payed by him, and may also retain xii. s. for the fee of the Clarke of the Peace or Steward of the Leete, for euery such Estreate by any of them deliuered, as is aforesaid.

Marshall-
ley & Kings
Bench.

29 The high Constable (in whose limit the Parish is situate) must pay at euery Quarter Session to one of the Treasurers of the Shire, such money as the Churchwardens there haue paid to him, for the prisoners in the Marshalsey and Kings Bench, vpon paine of x. s. to be lost for euery default, 39. El. ca. 3.

35. El. ca. 4.

Soldiers.

30 And the like must be done (vnder the paine of fortie shillings) with that money, which the Churchwardens bring to him for disabled Soldiers.

Popish re-
cusants.

31 The Minister (or Curate) of the Parish, and the Constable, Headborow, or Tythingman of the Towne, to which any Popish Recusant shall be sent by order of this statute, shall take notice thereof by him, and shall enter the same into a Booke to be kept in euery Parish for that purpose: and shall certifie the same to the next Quarter Sessions of the Peace in that Countie.

35. El. ca. 2.

Constable
of a towne.

32 Next after the Constable of the hundred, Wapentake, or franchise, followeth the Constable of a towne, who is somewhere

where called a *Heghconstable*, for that he hath there a *Petie Constable* vnder him, and is sometimes also termed a *Heade Officer*, because in some Corporate townes *Constables* is part of the name of their *Incorporation*. And nowe also because there be sundrie thinges that are by the lawes indifferently referred to him, or to the *Tythingman*, *Borsholder*, or such other inferiour Officer of the place: therefore I will first set downe those, and then afterward speake of the rest that are committed to him onely, and to none of them.

5.E.4.3.
Acc. sur
case B.76.

32. If a common Inholder of Alehouse-keeper, will not lodge such as trauaile, the Ruler, Constable, or other Officer of the towne may compell him thereto. Alehouse.

33.El. ca.4.

33 No person retained in husbandrie, or in any the Acts appointed by the Statute of Labourers (made in the first yeere of our soueraigne Ladie Queene Elizabeth) may depart, from the time of such retainour expired, out of the Towne of Parish, where he last serued, to serue in an other, vntlesse he haue a Testimoniall vnder the Seale of the Constable or other such Officer, and of two other honest householders of the Towne or Parish where hee last serued, according to this forme: Seruants

C

Memo-

Memorandum, that A. B. late seruant of C. D. of E. in the countie of K. husbandman, or Taylor, &c. is licenced to depart from his said Master, and is at his libertie to serue else where, according to the statute in that case made and provided. In witnesse whereof, &c. dated the day, moneth, yeare, and place, of the making thereof. Which Testimoniall, the Parson Vicar, or curate of the Parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking onely ii. d. therefore. And if such person be accepted into any other seruice, without shewing such Testimoniall to the Constable, or such other Officer, Curate, or Churchwarden of the place where he shall bee accepted, he shall be imprisoned till he procure such a Testimoniall, which if he doe not within twelue daies next after the first day of his imprisonment, he shall be whipped as a Vagabond.

s. El. cap.

Labourers 34 In the time of Hay, or Corneharuest, the Constable, or such other Officer, of any townehip, vpon request made, and for auoyding the losse of any corne, graine or hay, may cause all such Artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning of

of cozne, graine, oz hay, according to the skill and qualitte of the person : and if any such person shall refuse so to doe, then ought such Officer (vnder the paine of forie shillings) to imprizon such refuser in the Stockes, by the space of two daies and one night.

35 The Constable, Borsholder, oz other such Officer, and the Churchwardens of euery Parish, ought yearly vppon the Tuesday oz Wednesday in Easter weeke, to call together a number of the Parishioners, and to choose two honest men of their parish, to be Surueyors of the works for amendement of the highwaies within their parish leading to any market town: and ought then also to appoint fixe dayes for the amendement of those highwayes befoze Midsummer then next following: and ought openly in the Church, the next Sunday after Easter, to giue knowlodge of the same fixe daies.

They also ought to haue one part of the Estricates indented, and may call the Baylife oz high Constable to Account, concerning the forfeitures for default of amending Highwaies, as hath already appeared befoze. And they also, oz any of them may leue by Distresse, and by sale of such Distresse, all summes of money

2. & 3. Phil.
& M. c. 8. &
5. El. ca. 13.

36 The dueties of Constables,

forfained for any cause within the statute of Highwaies made in the eighteene yeare of the Queenes Maiestie that now is, (if so be that the Surueyors of Highwayes, 18.El.ca.10 shall not before haue leuied and imploied the same, within one yeare next after the offence committed) and shall peelde Account thereof before two Iustices of the Peace, as is afoze shewed.

highwaies 36 The forsaitures against y^e Statute 39.El.ca.19
for amendment of the annoyed Highwaies in the Wealdes of Kent, Surrey, and Sussex, ought after conuiction thereof to bee leuyed by distresse, by the Constables, Headborowes, Tithingmen, or other such Officers there, vpon warrant from the Clerke of the Peace in open Sessions, or from two of the Iustices that were at such session, the one of the being of y^e *Quorum*.

Hue and
Crie.

37 After such time as the two Iustices 27.El.ca.13
of peace, haue ratably assessed euery town and parithe, towardes the payment of the damages that any person hath recovered against him of the hundred wherein hee was robbed vpo the Statute of Hue and Crie: then may the Constable or Headborow, of euery such town and parish, ratably within his limit, care (according to their abilities) euery dweller in euery such towne or parish, toward the payment of
such

such assessement made by the Iustices: and may also distraine euery person by hys goods and cattles that shall refuse to pay the same, and may sel the distresse, and retaine so much therof, as the Taxatio shall be, & deliuer the ouerplus to the person so distrained. And shall (within ten daies next after he hath leuied the said rates) deliuer the same to y^e said Iustices, or one of them, to the vse of the partie robbed.

39. El. ca. 3. 38 In default of agreement of the Parishoners betweene themselves, the Constables and Churchwardens of each Parish (or the moze part of them) may rate and allot within their Parish their assesse for the Stocke of the Shire wherewith that Parish was charged at the Quarter Sessions: and they also may leuie the same vpon any Parishoner, by Distresse and Sale of his goods, tendring the ouerplus vnto him, 39. El. ca. 3. Stocke of the Shire.

37. El. ca. 14 39 The Constable of euery Borough or Market, or other towne, may viewe, search, and suruey all such Malt as shall be made or put to sale there: And if he shall finde any Barlie Malt made at any time, (the Monethes of Iune, Iuly, and August, onely except) but that the same shall haue the space of thre weekes (at the least) in the fatte, floure, steeping, and suf-

38 The duties of Constables,

sufficient dying thereof, and in these three Monethes, the space of xviij. dayes at the least: and if hee finde any person to put to sale, any good Malt, mingled with Malt not sufficiently made, or with Malt made of Howburned or spiced barley: or to put to sale any Malt, not sufficiently well trodden, rubbed, and fanned, wherby halfe a pecke of dust or more may be fanned out of one Quarter thereof: then may such Constable (with the aduise of one Iustice of the peace in that shire) cause the same Malt to be sold, to such persons, & at such reasonable prices (vnder the common price of the Market) as to his discretion shall seeme expedient.

Who be Rogues.

40 Every of these persons following, 39. Eliz. ca. and being aboute the age of seauen yeares, is by the law declared to be a Rogue, Vagabond, or sturpy Beggar: that is to say:

Every person that calleth himselfe a Scholler, and goeth about begging: Every Seafaring-man (not hauing suffered Shipwracke, nor hauing lawfull Testimoniall from a Iustice of Peace, of, or neere the place where he landed) that goeth about begging, or exceedeth the limits of such Testimoniall: Every Idle person that goeth about begging, or that vseth any Subtile-craft, or vnlawfull Game, or Play,

or

or that feineth knowledge in Physiog-
 nomie, Palmestrie, or other like craftie
 Science, or pretendeth to tell Destinies,
 Fortunes, or such like Phantastical imagi-
 nations. Euery wandring person that
 uttereth himselfe to be a Proctour, Pro-
 curer, patent gatherer, or collector for any
 Gaole, Prison, or Hospitall. Euery Fen-
 sor, Bearward, Minstrell, or cunning play-
 er of Enterlude (other then such player of
 Enterlude as belongeth to a Baron or o-
 ther Honorable person of greater degree,
 and bee authoized vnder his hande and
 seale of Armes.) Euery lugler, Tinkar,
 Pedler, or Petichapman, other then glas-
 men of good behauour, and licenced vnder
 the hands and Seales of thre Iustices
 of the Peace of that Shire (whereof
 one to be of the Quorum) that wandreth
 abroad. Euery Wandring person, or com-
 mon Labourer not hauing otherwise then
 by labour to maintaine himselfe, & being
 able of bodie, that refuseth to worke for
 lawfull Wages: Euery person, deliuered
 out of Gaole, that beggeth for Fees, or
 trauaileth begging. Euery one that pre-
 tending losse by Fier, or otherwise wan-
 deth begging. Euery one (not being a
 Felon) that pretendeth to be an Egyptian,
 or wandreth in the forme (or habite) or

counterfait Egyptians, Every impotent and diseased person (being lawfully licensed by two Iustices of the Peace to go to Bath or Buxton) that forbeareth not to begge, or returneth not according to such Licence : and every poore person (appointed to aske reliefe in his parish by the Ouerseers) that beggeth in any other soe then is appointed.

The Constable, Headborowe, and Tythingman of the Hundred, Parish, or Tything, shall vpon the taking of euerie such Rogue (the Tythingman, or Headborowe being assisted with the aduise of the Minister, and one other of the Parish) appoint the same Rogue to be stripped naked from the middle vpwart, and be openly whipped vntill his or her bodie be bloudie, and shall forthwith send such Rogue from parish to parish (by the officers of the same) the next straight way to the parish where such Rogue was borne, if that may be knowne by his, or their confession or otherwise : and if that cannot be knowne, then to the Parish where hee or she last dwelt before that punishment by the space of one whole yeere : and neither of them being knowne, then to the Parish through which he or she last passed without punishment.

After

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the handes and Seales of the saide Constable, Headborough, Tythingman and Minister, or of any two of them, the substance of which shall be Registered by that Minister in a booke to be provided for that Parish, vnder the paine of fine shillings for euery default thereof.

And the forme of that Testimoniall may be thus.

A. B. a sturdie *Rogue*, of tall stature, red *Kent.*
haired and bearded, about the age of 30 yeeres, and hauing a wart neare vnder his right eye, borne (as he confesseth) at *East Tilberie* in *Essex* was taken begging at *Shorne* in this Countie of *Kent* the 10. of *March*, 1599. and was then there lawfully whipped therefore, and he is appointed to goe to *East Tylberie* afore said the direct way by *Gravesend*, ouer the Riuer of *Thamise*: for which he is allowed one whole day, and no more, at his perill. Subscribed and sealed the day and yeere afore said.

By vs { *C. D. Minister.*
E. F. Borsholder. } of *Shorne* a-
G. H. Parishoner, } fore said.

And

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or shee to be Whipped at every place for every such default, till he or she repaire to the place so limited for him. And this Testimoniall must be carried with him from Officer to officer, as is aforesaid: wherein it is needfull to set downe some speciall marke of the bodie of the Rogue, to the end that neither one officer deceiue another, nor the Rogue deceiue them all.

But if such Rogue so taken appeare to be dangerous to the inferior sort of people there, or will not be reformed from rogishe life, by the means aforesaid, then any two Iustices of peace of that limit (the one being of the Quorum) may commit such Rogue to the house of correction or goale.

Every Constable Hedborow, and Tythingman, that shall be negligent, or shall not do his best endeavour to take, punish, and convey onet the rogues aforesaid, shall lose *z.s.* for every default. And every other person that disturbeth the execution of this Act of Rogues, shall lose *v.li.* for every default, & be bound to the good behaviour.

And every such Costable, Headborow, & Tythingman, is in like sort to take & punish, and to convey from one to another, every Rogue & begger that shall be brought
and

& set on land here, from Ireland, Scotland, or the Ile of Man, till he come to the next Port or Parish, in or neere where he was first landed, vpon the like forfeiture of x.s. for euery default.

Now, for asmuch as the execution of this Law as also of that for the poore, is vpon good reason required at the hands of these *Constables, Borholders*, and such like inferiour Officers, because as they of the common sort be most annoyed thereby, so are they in euerie corner to haue a redy hand and whip to remedy the euil: I think good for their better direction herein to set downe those resolutions and aduices, which (as it is commonly said) were giuen by the *Queenes Iustices at Westminster* soone after the making of the said statutes, and thus they follow.

A Rogue affirmeth, that he was bozne in such a towne, in such a countie: then ought he to be sent thither, if it may not otherwise appeare that he was bozne elsewhere: And if he were not bozne there in truth, then is he to be said an incorrigible Rogue, & is to be sent thence to the house of correction in the countie to which he is sent: & if there be none there, then to the Gaole until the next Sessions, there to be dealt with according to the statute.

44 The duties of Constables,

2 The same course is to be observed, if it appeare not where he was borne, and so if he vntruely affirme that hee was last dwelling in such a Town, in such a countie, by the space of a yeare, and was not in truth.

3 If the husband or wife haue a house, and the husbände or wife rogue about, they ought to be sent to the Town where that house is: And so of an Innmate.

4 The wife and children vnder seauen yeares of age, being vagarant, must goe and be placed with the husband; if the husband be dead, thē with the wife where she was borne, or dwell, and the vagarant children (aboue seauen peres of age) must be sent to the place of their birth. And if the vagarant parents with their children (vnder seauen yeares) be placed at the place of birth of the Parents, or at the place of last dwelling (as the case shal fall out) if afterward the Parents, or either of them die, or runne away, yet the children (once settled) must remaine there still, & may not be sent to their place of birth, though after they growe aboue the age of seauen yeares.

5 The wife being a vagarant Rogue, ought to be sent to the husband, though he be but a seruant in an other Towne.

6 The

6 The Rogue whose place of birth (or dwelling) cannot be knownen, hath wife and children, vnder seauen yeares of age, they must go with the husband to the place where they were last wilfully suffered to passe without punishment; where the children must be relieved by the work of their Parents, though the Parents be committed to the house of correction.

7 If any (not being Rogues) shall trauaile with their children through a town, and the Father or Mother die, or runne away, the towne is not bound to keep them where they die, nor to send them away, but onely in charitie, except they become wandering Beggars.

8 If the Parents be able to work, and may haue worke, they are to finde their Children by their labour, and not the Parish: But if they be ouerburthened with children, it shall be a very good way, to procure some of them to be placed apprentices according to the Statute.

9 No man is to be put out of the town where he dwelleth, nor to be sent to their place of Birth (or last habitation) but a vagarant Rogue; nor to be found by the towne, except the party be impotent, but ought to set themselves to labor, if they be able, and can get worke; if they cannot,
the

the ouerseers must set them to labor: And so of them that haue, or shall haue houses, when their estates bee expired: And seruants whose times of seruice are ended, though they cannot get houses, for they must prouide themselves houses anew, if they be not impotent.

10 Such persons as be of any Parish, and haue able bodies to worke, and be no wanderers abroad out of the Parishes, though they refuse to worke at such wages as is tared (or commonly giuen) in those partes, are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction; vpon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out of their Parish, that bee not to be put out, this is against the statute, concerning the reliefe of the poore, and fineable: and if any haue beene so sent, they may be sent backe againe.

12 If any be sent to a towne whereto he ought to be sent, and is refused (being a sturdy, or an impotent Rogue) the persons refusing

refusing shall forfeit v.li. and he that is so to be sent, is to be offered to the Churchwardens and Ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the Statute, and so a forfeiture of v.li. vpon them. And to go with such a passport, is but still to continue a Rogue, to be punished by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was borne (or dwelt) this is a forfeiture of v.li. in the officer, that shall not receiue the partie to conuey him or her ouer.

15 None may be suffered to take relief at any mans doze, though within the same parish, vnles it be by the order of the ouerseers, according to the Statute, neither may any be suffered to beg by the high waies, though in their owne parish.

16 By this word parentes: is vnderstood a father, or a Grandfather, Mother, or Grandmother, being persons able.

17 Within the word childe, is included any child, or grandchild, being able.

18 Parsons, or Vicars, &c. be bounde (as inhabitant) to the reliefe of the poore, as well as others that inhabite within the Parish.

48 The duties of Constables,

19 Every one that hath riches improp-
p-riate, Coale mines, or lands in manuell
occupation, &c. is chargeable: And so for
such as haue saleable woods, propo-
ning the same to an Annuell benefite.

20 If there be but one Churchwarden
in the Parish, he sufficeth, with the other
fower Duerseers.

All these things last aforesaid, doe per-
taine as well to the charge of a *Tithing-
man, Borsholder Headborowe, Chief-pledge*
or such other inferiour Officer, as they do
to the *Constable* of such a Towne, or Pa-
rish, that hath any of those other Officers
vnderneath him. But some other points
of charge there be, that belong to such a
Constable onely, and not to any of them:
as for example.

Weights & Measures. 21 Every Citie, Borough, and market
towne, that haue a Constable, ought also
to haue common measures sealed, and also
common weights sealed, at which the in-
habitants may freely weigh. 8.H.6.c.5.
11.H.7.c.4

Merchandise. 22 If any Wools, or other marchan-
dize, be shipped in the staple, in any suspec-
ted place adioyning to the coast of the wa-
ter, then Indentures ought thereof to be
made betweene the owner, and the Maior
or Constable of that place: or otherwise,
such marchandise shall be forfeited. 14.H.6.c.5.

23 The

33.H.8.c.9. 43 The Mayor, Sheriffes, Bayliffes, Unlawfu
Constables, and other head officers with- games.
in euery Citie, Bozough, and towne with-
in this Realme, where any such officers
be ought vnder the paine of xl.s. for euery
default, once euery moneth at the least, to
make search (as well within liberties,
as without) in all places where any vn-
lawful games shalbe suspected to be kept,
and may arrest and impryson as well the
keepers of such places, as the haunters to
the same, till they bee founde no more to
keepe and haunt such places. And if any
such Head Officers, shall finde or know
that any Artificer, craftesman, husband-
man, appzentice, labourer, seruant at hus-
bandrie, tourneyman, or seruant of artifi-
cer, or that any maryner, fisherman, wa-
terman or Seruingman, doth play at the
tables, dice, cardes, tennise, bowles, clash,
coiting, logating, or any other unlawfull
game; out of Christmasse time, or out of
their Maisters house or presence in the
Christmas time, vnles it be by the licence
of such Maister as hath C. li. by the yere
or aboue, and then also, that playing bee
within the precinct of such Maisters house
gardaine, or orchard: then such head Of-
ficer may committe such offendor to Ward,
till he will be bound by Obligation to the

Queenes vse (in such summe as to the discretion of such Officer shall bee thought reasonable) that hee shall not from henceforth vse such unlawfull games.

Bridges. 44 Those foure Iustices of peace, that ^{21.H.8.c.5} be authorized by the Statute to make taxation of money for the amendement of any decayed bridge in the high way, ought to make the Taxation, by the assent of the Constables, or of two of the most honest inhabitantes, of euerie Towne or Parish.

Vessels. 45 In all Citties, Borowghes, and ^{23.H.8.c.14} Townes, wherein no Wardens of Cowpers bee, the Mayors, Sherifes, Baylifes, Constables, or other head Officers there, haue power to search, viewe, and gawge, barrells, kilderkins, firkins, and other vessels, to be made there, and to take such advantage thereby, and in such manner, as by the Wardens of Cowpers within the citie of London may bee taken on euerie behalfe.

Hatts and Caps. 46 The Mayors, Sherifes, Constables, ^{22.H.8.c.9.} and other head Officers of any place, to ^{1.Mar.par.} which wollen hattes, bonnets, or cappes, ^{1.c.11.} (being made out of this Realme) shall bee brought, ought (vpon knowledge thereof to them to bee giuen, by the Customer of such place, or his deputie) to ioyne with such

such Customer or Deputie, in the sale of such hatts, bonnets, or capps, for such pities, as by the statute are limited, upon paine to forfait xx.li. for every time that they shalbe remisse in such sale.

47 In all these cases also, last before rehearsed, it semeth that Borholders, Tythingmen, Headborowes, and other such (being in towne, or parishes, underneath Constables that be there) cannot meddle, because such Constables be (in comparison of them) called Head Officers.

48 Now therefore upon all the whole The conclusion. discourse before written, it may well appeare, that Borholders, Tythingmen, Headborowes, Borocheades, Thirdborowes, and chiefe pledges, whether they be there the onely Officers for the Peace, or bee underneath Constables, may within their Borowes, Tythings, or Hamlets, doe many thinges that the others maye doe: and that there are many other pointes which those other Officers may doe, and wherewith these Borholders and the rest cannot meddle at all. And therefore, to auoide idle repetition of matters already spoken, I say shortly, that if an vnder Borholder, Tichingman, Headboroe, Borochead, Thirdboroe, or chiefepledge, will see what belongeth to him to

doe, he must looke before vpon all such cases, where his power is declared to be equall (for those points) with the power, eyther of a High Constable of the Hundred, or a Constable of a towne or parish: for in all such thinges hee hath to deale as well as they: But where any thing before is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne, or parish, there such a Borsholder, Tychingman, or any of the rest, hath nothing to doe with it.

And thus hauing opened so shortly and plainely, as I could, the duties of all these said ministers of the peace, I doe shut vp this worke: desiring those that shall take any profite of this labour, to yeeld thanks to God
the most liberall
giuer.

For

For the more ease of euerie of these Officers in finding out that which particularly belongeth vnto each of them, I haue diuided the former *Treatise* into fortie and eight seuerall *Articles* (or parts) as it may appeare at the beginning of each *Article* by the seuerall *Figure* thereof, by which euery officer may be directed seuerally to so much as appertaineth to himselfe, if hee will marke this short Table following. For,

The high Constable of the Hundred, rape, Franchise or Wapentake, hath the execution of all those matters that do lye within these Articles, that is to say.

Articles concerning

32	His name and be-	22	Souldiours.
43	ginning.	23	Coroners.
21	The Peace & ser- uing of Warrants.	24	Prisoners.
22		25	Petrie Sessions.
23		26	Watches & High-
24			waies.
25		27	Clorhiers.
26		28	Highwaies.
27	Execution of statuts.	29	Money for priso-
28	Phyficiens.		ners.
29	Purueyours.	30	Money for Soul-
20			diours.
21			

And the Constable of a Towne or Pa-

54 The duties of Constables,
 rish, hath his part in all things contained
 within any of these Articles following,
 that is to say,

Articles concerning

- | | | | |
|----|---------------------------------------|----|----------------------|
| 4 | His name and be- | 31 | Popish Recusants. |
| | ginning. | 32 | Alchouse. |
| 11 | The Peace & ser-
uing of Precepts. | 33 | Servants and La- |
| 12 | | 34 | bourers. |
| 13 | | 35 | Highwaies. |
| 14 | | 36 | Highwaies in the |
| 15 | | | weald. |
| 16 | | 37 | Hue and Crie. |
| 17 | Execution of Stra- | 38 | Stocke of the Shire. |
| | rutes. | 39 | Making of Malt. |
| 18 | Phyicians. | 40 | Rogues & Beggars. |
| 19 | Purveyours. | 41 | Weights and Mea- |
| 20 | | | sure. |
| 21 | | 42 | Marchandize. |
| 22 | Souldiours. | 43 | Unlawfull games. |
| 23 | Coroners. | 44 | Bridges. |
| 24 | Prisoners in the | 45 | Vessels. |
| | Bench,&c. | 46 | Hattes. |

And every Borsholder, Tythingman,
 Borothead, Headborow, Thirdborow,
 and chiefe pledge, may for his Borow or
 Tything, learne his Office by these Arti-
 cles, that is to say,

Articles concerning

- | | | | |
|---|-------------------|----|--------------------|
| 5 | His name. | 8 | His latter office. |
| 6 | His first office. | 9 | |
| 7 | | 10 | |
| | | 11 | Keeping |

The duties of Church Ministers. 53

- | | |
|---|---|
| <p>11 }
 12 } Keeping of the
 13 } Peace,
 14 }
 15 } Precepts to bee
 16 } scrued.
 17 Execution of Sta-
 tutes.
 18 Playfitions.
 19 }
 20 } Purueighours.
 21 }
 22 Souldiers.
 23 Coroners.</p> | <p>24 Prisoner.
 28 } High-
 29 } wayes.
 31 Alehoufes.
 32 } Seruants and La-
 33 } bourers.
 34 }
 35. Highwaies.
 36 Highwaies in the
 Wealdes.
 37 Hue and Crie.
 38 Stocke of the shire.
 39 Making of Malt.
 40 Rogues & beggers.</p> |
|---|---|

The duetic of Church- Ministers.



The latter Lawes hauing
 imployment of many to
 make, hath borrowed
 some vse in a fewe easie
 matters of spirituall Mi-
 nisters, chiefly for the
 help and readinesse of their pen, which in
 many Parishes few, or none (besides they)
 can serue withall.

I The Minister (or Curate) of the pa-
 rish ought to Register the Testimoniall
 that is made to a seruant to appeare at the
 end of his Terme, and hee is to take two
 pence therefore, and not aboue.

2 Hee is also to assist the Bosholder or
 Tythingman in appointing a Rogue to

56 The duties of Church Ministers.

be whipped, and must Register (in a booke for y^e purpose) the Testimoniall that such Rogue ought to haue after whipping, vpon paine to lose v. s. for euerie default.

licence to
the flesh. 3 He may giue Licence to a sicke per- 5.El.ca.5.
son (during the sicknesse onely) to Eate
flesh vpon daies prohibited, and must (for
foure pence) Register the same in y^e church
booke, if the Sicknesse continue aboue 8.
daies after the Licence.

come to
church. 4 The Minister or Curate of the parish 35.El.ca.2.
may require any person within 3. months
after his Conviction vpon the statute 35.
El. c. 1. to make publike Confession and
submission in the seruice time of a Sunday
or Festiuall day. And he that shal (after no-
tice to him giuen by the Minister or Cu-
rate or Churchwardens) maintaine, or re-
taine in his house, or otherwise, any person
obstinatly refusing to come to church, shal
lose x. li. for euerie such person, for euery
moneth so maintained, or retained.

popish res-
sant. 5 The Minister or Curate of the parish, 35.El.ca.5.
& the Constable, Hedborow, or Tithing-
man, of the towne, to which any Popish
recusant is sent, shall (vpon notice thereof
by him) enter the same into a booke to bee
kept in euerie Parish for that purpose: and
shall certifie the same at the next Quarter
Session of the peace of that Countie.

The



Wilest I passed thorow some of the statutes befoze, concerning the offices of Constable & Borsholder, I found them mingled with diuers duties pertayning to the Churchwardens of parishes: the Surueyors of the highwayes: the Distributors of the prouision for the destruction of vermine, and Ouerseers of the pooze: whereby I was also moued to adde somewhat of these Offices, the rather because I was perswaded, that with that little moze of laboꝝ, I might doe a great deale moze of good, seeing that therby the plain countryman should (after a sort) be furnished with all manner of vnderstanding (in the tempoꝝall Law) needfull for the exercise of any of those offices that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens office, but that so farre forth onely, as the common Lawes and statute Lawes of the Realme do lead me, knowing that such other parts of that office as do rest vpon the Lawes Ecclesiasticall, bee from time to time sufficiently both taught and called vpon, by those that haue the Execution of the same.

The Churchwardens of Parishes bee
taken

Office of
Church-
wardens,
by the com-
mon law.

58 The ductie of Churchwardens.

taken (in fauour of the Church) to be for
some purposes a manner of Copporation
at the common Law: that is to say, Per-
sons inabled by that name, to take moue-
able goods, or cattels, and to sue, and bee
sued at the Law, concerning such goods,
for the yle & profite of their Parish. And
therefoze, a man may well in his life time
giue, or by his last will bequeath, money,
or other moueable things, to the Church-
wardens, or to the Parishioners of a Pa-
rish, either for the reparation of their
Church, or towards the buying of bookes,
Communion Cuppes, linnen cloathes, or
other decent ornaments, or furniture for
the Church. Which manner of gift is so
much fauoured in the Lawe, that it is not
altogether needfull in such a gift, for a
man to vse expresse wordes, or writing.
For if a man do buy a Bell, and doe hang it
vp in the Steple, or do make a Pew, and
do set it vp in the Church, and doe neither
make any word or writing thereof yet is
this Bell or Pewe, by this dedicated or
giuen to the Church.

12. H. 7. vl.
timo.

Lib. Intrac.
fol. 376.

11. H. 4. 12.
8. H. 7. 12.

They shall
haue Actio. 2 Now although Churchwardens shall
haue none Action at the common lawe to
reouer a Legacie, or such other thing
which they neuer had; yet neuerthelesse, if
any such goodes, or ornaments of the
Church

37.H.6.30. Church be once in their possession & custo-
 & 34. die, then shall they maintaine an Appeale
 11.H.4.12. of robbery against him that stealeth them,
 8.E.4.6. or an Action of Trespas against him that
 shall wrongfully take them away, though
 it be the Vicar, or Parson himselſe, & the
 damages that they shall recouer therby,
 shall be to the vse & benefite of the Parish,
 and not to their owne vse. But if those
 Churchwardens (from whom the goodes
 were so taken) shall happen to die, before
 any Action by the brought for the goodes,
 yet shall the next Churchwardens haue
 Action for the same.

Fitz.na.br. 3. And forasmuch as these Churchwar- They may
 91. K. dens be Officers, put in trust for the be- not wast
 19 H.6.66. hoose of their Parish, therefore also are the church
 al contr. they not enabled with any other power, goods.
 then for the good and profit of the parish.
 So that churchwardens can neither giue
 away, nor release, at their owne pleasure,
 the goodes of the Church. For if the Pari-
 shioners shall finde that they doe improfi-
 tably wast, or mispende the goodes of the
 Parish, they may they remoue such church-
 wardenis, by making their choise of new:
 8.E.4.6. which new Officers may (by Action of ac-
 count) call to account the former Church- They may
 wardenis, and shall thereby compell them, be removed
 both to giue reckoning of their doings du- & brought
 ring to account.

60 The ducie of Churchwardens,
ring their office, and also to make satisfac-
tion to the vse of the Parish, for the harme
that it hath receiued by their fault. And
although the vsage & custome of the Pa- 26.H.8.5.
rish bee, that the Churchwardens there
shall continue in their Office, by the space
of one whole yeare, or two yeares, or more
(as in deede some Parishes haue such cus-
tomes) yet vpon such, or the like misdeme-
nour found in thē, may the parishioners at
all times procede to an election of new
Churchwardens, & may remoue the old,
for that otherwise they haue no meane by
our Law to call them to their Account,
but by such as shall be put in their place.
Neuerthelesse, those former Churchwar-
dens shall (vpon the making of such their
Account) haue allowance of all needefull
summes of money, or other things, which
they haue expended, either vpon the repa-
ration of the body of the Church, or for
the prouision of meete and lawfull orna-
ments, or other furniture of the Church or
Parish: because they are compellable (by
the Ecclesiasticall Lawes) so to lay forth
the goodes of the Parish committed to
their custodie and charge. They shall haue
allowance also (vpon such their Account)
of the mony paid by them for relief of pri-
soners in the common Gaole, by vertue of
the

the statute 14.El.ca.5. and of whatsoeuer other thing that they are by law chargeable to doe.

4 This (in effect) is the power & charge that the comon law doth giue to Churchwardens: for as touching any estate in lands, or the profits of any lands, Churchwardens haue not to meddle at all: In so much, that if the walles, windowes, or doores of the Church, be broken, or the trees in the Churchyard be cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by law allowed to be a Corporation for any other thing, then for moueable goods onely. Now therefore I will shew how their office is increased by a fewe Statute lawes, that do concerne the same.

They haue not to doe with lands.

Churchwardens office, by the Statute.

5 All persons inhabiting within the Queenes Maiesties Dominion, shall diligently & faithfully (hauing no lawfull or reasonable excuse to be absent) indeuour themselves to resort to their parish Church or Chapel accustomed, or (vpon reasonable let therof) to some vsual place where common prayer and such seruice of God (as is contained in the booke of comon praier) shall be vsed in such time of let, vpon euery Sunday

Repaire to the Church

11.H.4.13.

12.H.7.77.

13.H.7.9.

Sunday and other dayes ordained also
bled to be kept as holy daies: and then
and there to abide orderly and soberly, du-
ring the time of the common prayer, prea-
chings, or other service of God, there to be
bled and ministered, upon paines of punish-
ment by the Censures of the Church, and
also upon paine that every person so offen-
ding, shall forfeit for every such offence
xii. s. to be levied by the Churchwardens
of the Parish where such offence shall be
done, to the use of the poore of the same
parish, of the goods, lands, or tenements
of such offender, by way of distress.

Highwayes In the Constables & Churchwardens
of every Parish shall yearly upon the
tuesday or wednesday in Easter week, call
together a number of the parishioners, &
that then elect and choose two honest peo-
sons of the parish to be Surveyors and Of-
ferers of the wayes for the yeare, for a
renewment of the Highwayes in their Pa-
rish, leading to any Market towne: which
persons shall take upon them the execution
of their said offices, upon paine, every of
them making default, to forfeit x. s. And
the said Constables and Churchwardens
shall then also name and appoint six daies
for the amendment of the said highwayes
before Midsummer then next following: &
shall

11. 4. 71. 12
27. 7. 13. 11
28. 3. 1. 2
Ma. ca. 8. &
5. El. ca. 13.

shall openly in the Church the next Sunday after Easter giue knowledge of the same fixe daies. And they also ought to haue one part of the Eſtreats indented, and shall call the Constables to account, &c. as it doth appeare before in the 30. Article of the Constables office.

7. See after also in the office of the Surueyours of the Highwayes, for leuying those forfeitures, by the Churchwardens, if the Surueyors shall not leuie & employ the same within one yeare after the offence committed.

8. And see in the 4. article of the dutie of the Ministers, that the Churchwardens may giue notice to such as maintaine, or retaine in house, or otherwise, any person that obstinately refuseth to come to the Church. Refuse to come to the Church.

5. El. cap. 5. 9. If any person within this realme, shall (without lawfull licence) eat any flesh upon any daies now vsually obserued as fish-daies, shall forfeit 3. li. for euerie such offence, els suffer 3. monethes imprisonment. And euery person within whose house any such offence shalbe done, & being priue or knowing thereof, & not effectually disclosing the same to some Publike officer, hauing authoritie to punish the same, shall for euery offence forfeite 40. s. Eat flesh.

part

64 The duties of Churchwardens.

part of all which forfeitures shal be to the vse of the Parish wherein the offence shal be, and to be leuied by the Churchwardens after any conuiction in that behalfe.

Licence to eat flesh.

The licence for eating of flesh, to be giuen to any person for notorious sicknesse, by the Bishop of the Diocesse, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if that sicknesse shal continue aboue eight dayes after such licence granted) in the Church booke, with the knowledge of one of the Churchwardens there: & the partie licenced shal giue iiii. s. to the Curate for the entrie thereof.

5. El. cap. 5.

Pooze.

10 The Churchwardens and four others of euerie Parish, appoined by the two Iustices of Peace, to be Ouerseers of the pooze there, (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons married or vnmarried that haue no meanes, or ordinarie trade to liue by, and the Children of such Parents as shall bee thought vnable to maintaine them; and may take aswell Inhabitantes, or occupiers of landes in the Parish to pay weekly, or otherwise, such competent summes of mony (as they shal think meet) for a stocke of ware & stufte for such pooze to worke, and for the necessarie reliefe of the

39. El. ca. 3.

the impotent poore there; and for the putting out of such Children to be Apprentices: and may execute all other things, concerning the premises, as to them shall seeme convenient.

And they shall meete together once in each month at the least in the Church, vpon some Sunday in the afternoone, to consider of some good course & meete orders to be set down in y^e premises, & within 4. daies after their yeere ended & other Querseers nominated, shal peeld vp to the two Iustices of Peace, a perfect accōpt of their Money, Stocke, & other things concerning that Office, & shal pay the monies that shalbe in their handes, to the new Churchwardens & Querseers, vpon paine to loose 20.s. for euery such monethly absence, (without cause to be allowed by the two Iustices) & for euery negligēce in the executiō of the said Office, or orders made by assent of the two Iustices as aforesaid.

And the said Churchwardens & Querseers (or any of them) by warrant from two such Iustices, may leaue such ratiōns by distresse and sale of the offendours goodes, as also the money behind vpon any such accompt, tendring the Ouerplus to the partie: and they (with the leaue of the Lord of a Common, or Wast, in writing

ting) may erect there conuenient habitations and place inmates therein, at the generall charges of the Parish, &c.

When the stocke of the shire is assessed by the Iustices of Peace at their Quarter Session vpon euery Parish: the same shall bee yearely rated within the Parish by agreement of al the Parishioners, or in default thereof by the Churchwardens and Constables of the parish, or the more part of them, who may leuie the same by Distresse and Sale of the goods of such as refuse to pay their portion thereof, and shall render the Ouerplus therof to the owner: & the Churchwardens must ratably pay ouer to the high Costable, in whose limit the Parish is situate ten daies befoze the end of euery Quarter Sessions, such money as for that Parish they ought to pay for the reliefe of the prisoners in the Marshalsey and Kings Bench, vpon forfeiture of ten shillings for euery default of such payment.

Destructio
of vermin.

1.1 In euery parish, the Churchwardens, with sixe other parishioners (to be required by the Churchwardens) shall perely vpo one of the holy daies in Easter weeke, and at euery other time when it shall bee needefull, take and aslesse euery person hauing the possession of any lands or

8.El. ca. 15.
& 14.El.
ca. 11.

or tythes within that Parish, to pay such
sums of money as they shal thinke meete,
according to the quantitie of such their
lands or tythes. And if any such person do
denie to pay the same, or do not pay y^e same
(within 14. daies next after request ther-
of made by the Churchwardens, or one of
thē) then such person shal forfeit for every
time v. s. which (together with the summe
assessed) shalbe leuied by distresse, of the
goods & cattels of such person, to be takē
by the Churchwardens, or one of thē, the
same distresse to be ordered & vled, as di-
stresses taken for amerciaments in any
Leetes. And aswel the said summes as pe-
nalties (if any of them be so leuied,) shalbe
yearely by the Churchwardens, or one of
thē for the time being, deliuered by Billes
indented, to two honest & substantiall per-
sons of the Parish which shall be elected
& appointed by the Churchwardens, and
shalbe named, The distributors of the pro-
uision for the destructiō of noysom foule
and vermine. And if the said Churchwar-
dens, sixe persons, or Distributers, or a-
ny of them, shall refuse, or make default
in the execution of any part of this act,
contrarie to the forme thereof, then such
offendour shall forfeite for every default,
v. l. the one moitie to the Queene, the
C 2 other

other to him or them (vsing tillage yerely within the same Shire) that will sue there in any court of Record.

Souldiours money. 12 The money assessed at the Quarter 35. Eli. c. 7.

Session by the Iustices of Peace vpon euery Parish for the reliefe of disabled Souldiours, may be rated (in default of agreement of the parishioners amongst themselves) by the Churchwardens & Constables of the parish, or the more part of the: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their rates, rendring to y^e owner the ouerplus coming of such sale, & the Churchwardens must collect and pay ouer to the high Constable in whose diuision such parish is, euery such summe ten daies before euery quarter Session of the peace, vnder the paine of x. s. for euery default thereof.

For the rest of the Office of the Churchwardens concerning this matter, see afterward in the duty of these distributors. See also in Constables article 25. for the gaole money, to be leuied by Churchwardens.

The Office of the Superuisors, Surueyors, or Orderers of the works for amending of Highwaies.



Vpon the sixe daies appointed for working in the Highwaies, in such sort as is be-
 2. & 3. Phil.
 & M. c. 8. &
 5. E. c. 13. &
 39. El. c. 19.
 fore

foze declared in the sixth Article of the Churchwardens Office, euery person for euerie plow land in tillage or pasture that he or they shall occupie in the same parish and euery other person keeping there a draught or plough, shall find & send, at euery day and place to be appointed for the amending of the waies in the parish as is aforesaid, one waine or cart, furnished after the custome of the countrey, with Oxen, Horses, or other cattel, & all other necessaries, meet to carry things conuenient for that purpose, and also two able men with the same vpon paine of euery draught making default tenne shillings. And euery other houlder, & also euery cotager and laborer of that parish, able to labour, and being no hired seruant by the yeare, shall by themselves or one sufficient labourer for euery of them, vpon euery of the said sixe daies, worke and trauell in the amendment of the said high waies, vpon paine of euery person making default to lose for euery day twelue pence. And if the carriages of the parish or any of the shall not be thought needfull by the Superuisors to be occupied vpon any of the said daies, that the euery such persō that should haue sent any such carriage, shall send to the said worke euery carriage so spared, two able men

there to labour for that day, vpon paine to lose for euery man not so sent to the said worke xii. s. And euery person & carriage abovesaid, shal haue & bring with the such Shouels, Spades, Pickes, Mattocks, & other tooles and instruments, as they do make their owne ditches & fences withal, & such as be necessary for their said worke. And all the said persons & carriages shall do & keepe their works, as they shalbe appointed by the said Superuisors, or one of the, viii. houres of euery of the said daies, vnlesse they shalbe otherwise licenced by the said Superuisors, or one of them.

From henceforth it shal & may be lawfull to al & singuler Superuisor & Superuisors & orderers of the works for the time being, for the amendement of the said highwaies, thereunto elected & appointed, according to the Statute made in the 2. & 3. yeare of R. Philip & Q. Mary, for the better reparation & amendement of the highwaies within their seuerall Parishes & limits where they shal be so made Superuisors (if it shal be so to them thought necessarie) to take and carrie away of the rubbish, or smallest broken stones of anie Quarrie or quarries lying or being within the parish where they shall be Superuisors without licence, controlment or impeachment

peachmē of the owners or owner, so much as by their discretions shalbe deemed and iudged necessary to the amendment of the said waies. And y^e for default of any such quarrie or quarries, it shall & may be lawfull for every such Supervisor or Supervisors, for the vse aforesaid, in the severall grounds of any person or persons, being within the parish, & limites where they shal be Supervisors, and nigh adioyning to the way or waies wherin such reparatiōs shal be thought necessary to be made, & where in grauell, sand or sinder is likely to be found, to dig or cause to be digged, for grauell, sand or sinder, and likewise to gather stones lying vpon any lands or grounds within the parish, and meete to be vsed to such seruice & purpose, & therefore to take & carrie away so much as by discretion of the said Supervisors shall be thought necessary to be employed in the amendment of the said highwaies. Provided alwaies, that it shal not be lawfull to any such Supervisor, or Supervisors, by vertue of this act, to cause any rubbish to be digged out of any quarrie or quarries, but onely shall extend to such rubbish as shall be found there ready digged by the owner or owners of the said Quarry or Quarries, or otherwise by his or their licence and com-

maundement, nor shall not extend to giue
 authoritie to any Superuifor or Superuif-
 fers to dig or cause to be digged, any gra-
 uel, sand, or funder in the house, garbaine,
 Orchard, or Medow, of any person or per-
 sons, nor that it shall be lawfull by this act
 to any such Superuifor or Superuifors to
 cause any more pits to be digged for gra-
 uel in any feuerall & inclosed ground then
 one onely, & that the same pitte or hole so
 digged for grauell as is aforesaid, shall not
 by any way be in breadth or length aboue
 x. yardes at the most. And that euery such
 Superuifor as shall cause any such pitte to
 be made, & digged for grauell, sand, or sin-
 der, as is aforesaid, shall within one mo-
 neth next after any such digging or pitte
 made, cause the same to be filled, & stopped
 vp with earth, at the cost & charges of the
 Parishioners, vpon paine to forfeite to the
 owner and owners of the soyle, wherein
 any such pit shall be made and digged, for
 euery default, fīue markes.

From hencefoorth, euery such Superuif- 5.El.ca.13.
 for and Superuifors, as is aforesaid, shall
 by force of this act, within the parish or li-
 mits where be or they shall be Superuifors,
 haue full power & authoritie to turne any
 such water course, or spring of water, be-
 ing in any of the said highwaies, into any
 ditch

ditch or ditches, of the severall ground or soile of any person or persons whatsoever, next adioyning to the said waies, in such manner and forme, as by the discretions of the said Supervisors shall be thought meetest and most convenient.

Such Supervisor or Supervisors for the time being, within one month next after default or offence, made, done, or committed by any person or persons, contrary to the provision, purport, & true meaning of the estatute made (concerning Highwaies) in the second & third yeare of King Philip & Queene Marie, shall present every such default or offence to the next Iustice of peace for the time being, upon pain to forfait for every such default & offence, in such sort not by them presented, &c.

Every person or persons (except such as shall dwell in the citie of London) that shall be assessed to the payment of any Subsidie to her Maestie to v. l. in goods, or s. l. s. in lands, or above, during all such time as he shall stand so assessed & not altered, & being none of y^e parties chargeable for the amending of highwaies by any former law, but as a Cottager, shall find iij. able men verely to labor in the highwaies, at such daies & times, as by the severall statutes thereof are limited & appointed, And every other that
hereafter

shal occupie a plough land in tillage or pasture, lying and being in severall Parishes, shal be chargeable to the making of the waies within the parish where he dwelleth, as far forth, & in such maner & forme, as any person hauing a plough land, in any one parish, is or ought to be chargeable, by reason of the said former statutes, or either of the. And euery person or persons, occupying & keeping in his or their hands or possessions, several or diuers plough lands, as aforesaid in several or diuers townes, shal be charged to find in each towne or parish (where the ploughlands bring in his occupying do lie) one cart, waine, rumbel, digger, or Coure, sleads, carres, or drags, furnished for the amending & repairing of the Highwaies, within the severall Parishes where the said plough lands do lie, in such maner & forme, as if he or they were a Parishioner dwelling within the parishes, where the same several plough lands do lie.

Euery person or persons, that shall not repair, ditch, or scower, any waies, fenes, ditches, or hedges, adjoining to any highway, or common fairing way, or shall not cut downe or keepe lowe all trees & bushes, growing in, or next adjoining to any the said waies, according to the true intent & meaning of the Act made in the 5. yere of the

the

the Queens Maiesties reign that now is,
 for euery offence committed therein contra-
 ry to the true intent thereof, shall forfeit &
 loose for euery default 10*s*. And al for euery
 person any persons, that shall occupy any
 lands adioyning to the said ground, so ad-
 ioyning to any such highway, or common
 fairingway, where any ditching, or scou-
 ring should or ought to bee, as aforesaid,
 shal frō time to time, as need shal require,
 ditch & scower in his or their ground so ad-
 ioyning, whereby the water conueied frō
 the said highway, or common fayring way,
 ouer the ground next adioyning, may haue
 passage ouer the said ground, so next adioy-
 ning to that ground, vpon paine of forfeit-
 ure for euery time so offending, for euery
 Rodde not so ditched & scowred, 1*l*.*d*.

No person or persons hauing any
 ground by lease or otherwise, adioyning
 to any highway, or common fairing way,
 leading to any Market Towne, shall cast
 or scowe any ditch, and throwe or lay the
 soyle thereof into the highway, and suffer
 it to lie there by the space of sixe Months,
 to the annoyauce of the said highway, or
 common fairing way, vpon paine of for-
 feiture of euery load of soyle, so cast into
 the highway, or common fayring way, in
 Ditching or scowring twelue Pence.

And

And where any heretofore haue bin so cast into the high way, or common faying way, that there is a bank betwene the said way & the ditch, it shall be lawfull for the Surueyors and workemen, by the lawes & statutes of this Realme, appointed for the amending of the said waies, to make sluices, or other deuises by their discretions, to conuey the water out of the said way into the ditch: any law, right, interest, custome, or vsage, to the contrary notwithstanding.

Every penalty, summe or summes of money forfeited for any cause within the statute, shall be leuied in euery parish by the Surueyors of the waies within that parish for the time being, by distresse and sale of distresse, in maner & forme, as fines or amerancements in Leets haue bene vsed; & the money so leuied, to be imployed vpon the hightway, or common faying way where the offence was committed. And if the Surueyors shall not or will not leuie & employ the same within one yere after the offence so committed, that then the said summe or summes, forfeitures or forfeitures, shall be leuied in forme aforesaid; by the Constables or Churchwardens of the town or parish where the work ought to be done in the hightway (as aforesaid) & that he or they so leuying any of the said penalties

penalties or forfeitures, shal make & yeeld
such account as is appointed in the before
recited statutes, or either of them.

39. El. c. 19.

In the Wealde of Kent, Suffex, & Sur-
rey, the surveyors within the Parishes
where the Highwaies shalbe most annop-
ed, shall (in default of appointment by the
Iustices of peace) assigne & apoint in what
places of the highwaies there, the sinder,
grauell, stone or chalc, (to be carried by
the occupier of Iron workes) shall be lay-
ed & bestowed: vnder the paine of xl. s. of
euery such surueior for euery such default,
and they shal make demaund of the for-
feitures of money to be payde in default of
such carriages: & shall present euery such
default of carriage, or paiment, at the next
quarter Session of that Countie, vpo like
paine of xl. s. for euerie default by them.

Wentish
waies.

The Office of the Distributers of the
*provision for the distribution of moy-
some foule and Vermine.*

8. El. c. 15. &

14. El. c. 11

& 39. El. c.

18.



These Distributers being so
chosen, & hauing money, (as
is before shewed in the 8.
Article of the Churchwar-
dens office) shall giue and pay of the same
money so to them deliuered to euery per-
son that shall bring to them any heades of
olde

old Crows, Thougbes, Wyres, or Rookes taken within the severall parishes; for the heads of every iii. of the a penny: & for the heads of every six young crows, Thougbes, Wyres, or Rookes taken, as is aforesaid a penie, & for every six egges of any of them unbroke a penie: & likewise for every xii. Stares heads a penie. Al which said heads & egges, the said Distributers in some convenient place shal keepe, & shal every moneth at the least bring forth the same before the said Churchwardens & taxors or three of them, & then & there to them shall make a true account in writing, what money they have laid forth and paid for such heads and egges, and for the heads of such other ravenous birds and vermine, as are hereafter in this acte mentioned. That is to say: for every head of Herton, Hawkes, Fursekite, Holdkite, Bussard, Scagge, Carmerant, or Ringtaile, two pence, and for every two egges of them, a penny: for every Iron or Dispaies heads, 4. pence: for the head of every woodwal, Pie, Jay, Raven or Kite, a penie: for the head of every bird, which is called the Kings fisher a penie: for the head of every Bulfinch, or other bird, that devoureth the blouch of fruite, one penie: for the heads of every Foxe, or Grey, twelve pence: and for the head

head of euery Fichewe, Polcat, Welsell, Scote, Faire, Badge, or Wilderat, a penie: for the heads of euery Otter, or Hedghog two pēce: for the heads of euery thre Rats, or twelue Mice, one penie: for the heads of euery Holdwarpe, or Munt, an halfe penie: for the heads of euery which birds and vermine last mentioned, the last Distributers shall likewise pay & giue to the bringer of them, for euery head killed & taken within their seueral parish, as before is limited, & shal keepe the same to be shewed forth vpon their account in maner and forme as is aforesaid. All which said heades and egges shall be forthwith after such account made in the p̄sence of the said Churchwardeins, and Taxors, or of thre of them, burned, consumed, or cut in sunder. And if vpon any account to bee made in the end and determination of the office of any such Distributers, it shall appere that any summe of money is remayning in the hands of the said Distributers, or any of them, then the same shall be by Bill indented, as is aforesaid, deliuered ouer to such persons, as be or shall be elected to the same Office, for the yeare next following, by them to be distributed as is aforesaid. This shall not in any wise extende, to giue any libertie or authoritie

thynke to any person or persons, to buy
 or exercise any meanes or engine, for the
 destruction of Conies, or rabbits, thonghs
 or other the vermin aforesaide in any
 place or places, to the disturbance, let or
 destruction of the building or breeding of
 any kinde of Hawkes, Herons, Egrettes,
 Pampers, Swannes, or Shoublers: or to
 the hurt and destruction of any Doves,
 Dovehouses, Deere, or warre of Conies,
 nor extens to giue or appoint any summe
 or summes of money to be giuen, paied, or
 distributed, to any person or persons, for
 the head or heades of any Baskin, Ring-
 eale, Herne, Polcat, Kitchew, or Scotte,
 taken in any Parke, Warren, or grounds,
 imploied to the maintenance of any game
 of Conies, or to any Stares taken in
 Dovehouses, nor to the killing or bying-
 ing the head of any Kite, or Raven, killed
 in any Cite, or towne corporate, or wiche
 in two miles of the same.

F I N I S.



